



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

AE-17J

AUG 16 2004

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Robert D. Morrison
Abbott Laboratories
200 Abbott Park Road
Dept. 50D, Bldg. AP52S
Abbott Park, Illinois 60064-6212

Re: Abbott Laboratories
Administrative Consent Order

Dear Mr. Morrison:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case.

If you have any questions about the Order, please contact Ray Cullen at (312) 886-0538 or Cynthia King at (312) 886-6831.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "LH Rosen, for".

Linda H. Rosen, Chief
Air Enforcement and Compliance Assurance Section MI/WI

Enclosure

cc: Julie Armitage
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794-9506

Emilio Salis, Regional Manager
Region 1
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, Illinois 60016

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	
)	
Abbott Laboratories)	Administrative Order
North Chicago, Illinois)	
)	EPA-5-04-113(a) IL-10
Proceeding Under)	
Section 113(a)(3) of)	
the Clean Air Act,)	
42 U.S.C. § 7413(a)(3))	

Administrative Consent Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Abbott Laboratories (Abbott), located at 1401 Sheridan Road, North Chicago, Illinois, under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. § 7413(a)(3).

Statutory and Regulatory Background

2. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(2), require that the owners or operators of industrial process refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 35 percent of the total charge during a 12-month period. Repairs must reduce annual leak rates to below 35 percent during a 12-month period.

3. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(9), require that the owners or operators of industrial process refrigeration equipment must repair leaks pursuant to 40 C.F.R. § 82.156(i)(2) within 30 days after discovery of the leak.

4. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3), require that the owners or operators of industrial process refrigeration equipment conduct an initial verification test at the conclusion of the repair efforts.

5. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3), require that the owners or operators of industrial process refrigeration equipment conduct a follow-up

verification test within 30 days after the initial verification test.

6. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(6), provide that the owners or operators of industrial process refrigeration equipment or comfort cooling refrigeration equipment are not required to repair a leak if within 30 days of discovering the exceedance of the applicable leak rate or within 30 days of a failed follow-up verification test, they develop a retrofit or retirement plan for the leaking appliance. The plan must be kept at the site of the appliance, and all work under the plan must be completed within one-year of the plan's date.

7. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3)(ii), require that the owners or operators of industrial process refrigeration equipment must retrofit or replace the equipment within one year of the follow-up verification test if the test showed that the repairs had not been successful.

8. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(3)(iii), require that the owners or operators of industrial process refrigeration equipment that fails a follow-up verification test must notify U.S. EPA within 30 days of the failed follow-up verification test.

9. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(5), require that the owners or operators of comfort cooling refrigeration equipment normally containing more than 50 pounds of refrigerant must have leaks repaired if the appliance is leaking at a rate such that the loss of refrigerant will exceed 15 percent of the total charge during a 12-month period. Repairs must reduce annual leak rates to below 15 percent during a 12-month period.

10. The Stratospheric Ozone Standards, at 40 C.F.R. § 82.156(i)(9), require that the owners or operators of comfort cooling refrigeration equipment must repair leaks pursuant to 40 C.F.R. § 82.156(i)(5) within 30 days after discovery of the leak.

11. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating the Stratospheric Ozone Standards. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Factual Allegations

12. Abbott owns and operates a health care products manufacturing plant at 1401 Sheridan Road, North Chicago, Illinois (North Chicago facility).

13. The North Chicago facility contains 57 industrial process refrigeration units with a normal charge greater than 50 pounds, including Chiller C2A (B2097), the Vilter West Chiller (B1517), the Vilter Chiller (KK6875), and the FES Chiller (LC918095).

14. The four industrial process refrigeration units referenced above at the North Chicago facility use the class II refrigerant HCFC-22, or R-22.

15. The four industrial process refrigeration units at the North Chicago facility experienced leaks between January 1, 1999 and March 29, 2002 that resulted in an annual leak rate of each unit exceeding 35 percent.

16. Abbott failed to perform initial and follow-up verification tests to verify that the repairs performed had brought the leak rate of the four industrial process refrigeration units to below 35 percent.

17. Abbott did not develop retrofit or retirement plans for the four industrial process refrigeration units when repairs performed were unable to bring the leak rate to below 35 percent.

18. Abbott did not retrofit or retire the four industrial process refrigeration units when repairs performed were unable to bring the leak rate to below 35 percent.

19. Abbott did not notify the U.S. EPA after repairs on the four industrial process refrigeration units failed to bring the leak rates to below 35 percent.

20. In 2003, Abbott retired Chiller C2A (B2097).

21. The North Chicago facility contains 3 comfort cooling refrigeration units with a normal charge greater than 50 pounds, including the York Chiller (LC958598).

22. The York Chiller (LC958598) at the North Chicago facility uses the class II refrigerant HCFC-22, or R-22.

23. The York Chiller (LC958598) at the North Chicago

facility experienced leaks between January 1, 1999 and March 29, 2002, that resulted in an annual leak rate exceeding 15 percent.

24. Abbott performed repairs on the York Chiller (LC958598) at the North Chicago facility, but failed to reduce the leak rate below 15 percent.

25. Abbott did not develop a retrofit or retirement plan for the York Chiller (LC958598) at the North Chicago facility when repairs performed failed to reduce the leak rate below 15 percent.

26. Abbott Laboratories did not retrofit or retire the York Chiller (LC958598) at the North Chicago facility when repairs performed failed to reduce the leak rate below 15 percent.

27. On January 15, 2004, U.S. EPA issued a Finding of Violation to Abbott.

Compliance Program

28. Within one year of the effective date of this Order, Abbott must retire the Vilter Chiller (KK6875).

29. Within one year of the effective date of this Order, Abbott must retrofit the Vilter West Chiller (B1517), the FES Chiller (LC918095), and the York Chiller (LC958598) to use a U.S. EPA approved non-ozone depleting refrigerant.

30. Within one year of the effective date of this Order, in lieu of retrofitting retired units Chiller C2A (B2097) and the Vilter Chiller (KK6875), Abbott must retrofit #B1910 and #LC919416 to use a U.S. EPA approved non-ozone depleting refrigerant.

31. Within one year of the effective date of this Order, Abbott must certify that it has completed the Compliance Program set forth in Paragraphs 28 through 30, above.

General Provisions

32. This Order does not affect Abbott's responsibility to comply with other local, state, and federal laws and regulations.

33. This Order does not restrict U.S. EPA's authority to enforce Section 608 of the Act, 42 U.S.C. § 7671g, or any other section of the Act.

34. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for Abbott's violation of the Stratospheric Ozone regulations.

35. Failure to comply with this Order may subject Abbott to penalties under Section 113 of the Act, 42 U.S.C. § 7413, of up to \$27,500 per day for each violation, or up to \$32,500 for violations that occur after March 15, 2004.

36. The terms of this Order are binding on Abbott, its assignees and successors. Abbott must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Abbott has given the notice.

37. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

38. U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

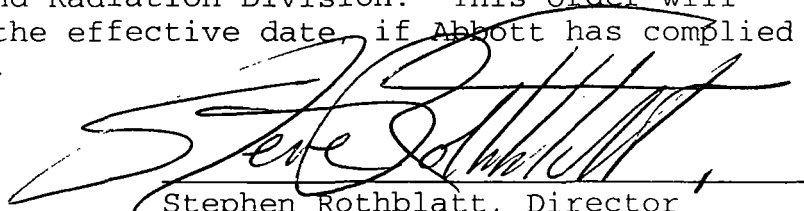
39. Abbot neither admits nor denies the facts alleged in this Order.

40. This Order is in partial settlement of the January 15, 2004, Finding of Violation issued to Abbott.

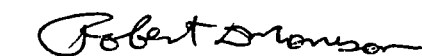
41. Abbott consents to the terms of this Order.

42. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will expire one year from the effective date, if Abbott has complied with all of its terms.

8/12/2004
Date


Stephen Rothblatt, Director
Air and Radiation Division
U.S. EPA, Region 5

7/28/04
Date


Robert D. Morrison, Divisional Vice
President
Abbott Laboratories

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent the executed original
of the Administrative Consent Order, EPA Order No.
EPA-5-04-113(a)IL-10, by Certified Mail, Return Receipt
Requested, to:

Robert D. Morrison
Divisional Vice President
Abbott Laboratories
200 Abbott Park Road
Dept. 50D, Bldg. AP52S
Abbott Park, IL 60064-6212

I also certify that I sent a copy of the executed original
of the Administrative Consent Order, EPA Order No.
EPA-5-04-113(a)IL-10, by First Class Mail to:

Julie Armitage, Section Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794-9506

Emilio Salis, Regional Manager
Region 1
Illinois Environmental Protection Agency
9511 West Harrison Street
Des Plaines, Illinois 60016

on the 16th day of August 2004.

Shanee Rucker
Shanee Rucker,
Administrative Program Assistant
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 15586628

